



City of Seattle

Gregory Nickels, Mayor

Department of Planning and Development

D. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3003720

Applicant Name: Mark Blubaugh of *Studio Gong Architecture*

Address of Proposal: 801 NE 65th St

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 10,400 sq. ft. commercial development consisting of three buildings: 1.) a two-story containing 847 sq.ft. of restaurant use and one residential unit; 2.) a two-story containing 2,304 sq.ft. of retail and 2,235 sq. ft of restaurant; 3.) a two story containing 2,972 sq.ft. of retail and 1,029 sq ft of restaurant. Surface parking for 19 vehicles to be provided.

The following approvals are required:

Design Review – Chapter 23.41 Seattle Municipal Code.

Departures are requested for the following development standards:

- *Side Setback*
- *Deck Location*
- *Landscaping Requirements*
- *Open Space Amount and Location*
- *Parking Access Lowrise Zone*
- *Parking Access Neighborhood Commercial Zone **
- *13' First Floor Height Requirement for Non-Residential Use**

SEPA – Chapter 25.05 Seattle Municipal Code.

Administrative Conditional Use – Chapter 23.46.006 Seattle Municipal Code.

*Departures required pursuant to the recently updated Land Use Code. On Thursday, Dec. 21, 2006, the Mayor signed into law Ordinance 122311, making substantial revisions to Seattle's commercial land use code. The changes went into effect on Jan. 20, 2007.

- SEPA DETERMINATION:** Exempt DNS EIS
- DNS with conditions
- DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION AND PROPOSAL

The proposed project site contains two parcels and zoning designations, Neighborhood Commercial Three (NC3-65) with a 65-foot height limit and Lowrise Three (L3-RC) Residential Commercial. The project site is located at the southeast corner of the intersection of NE 65th St and 8th Ave NE. The project site has an existing wood frame residence located on the southern parcel. The northern parcel previously had a gas station located on it which was demolished in June 2003.

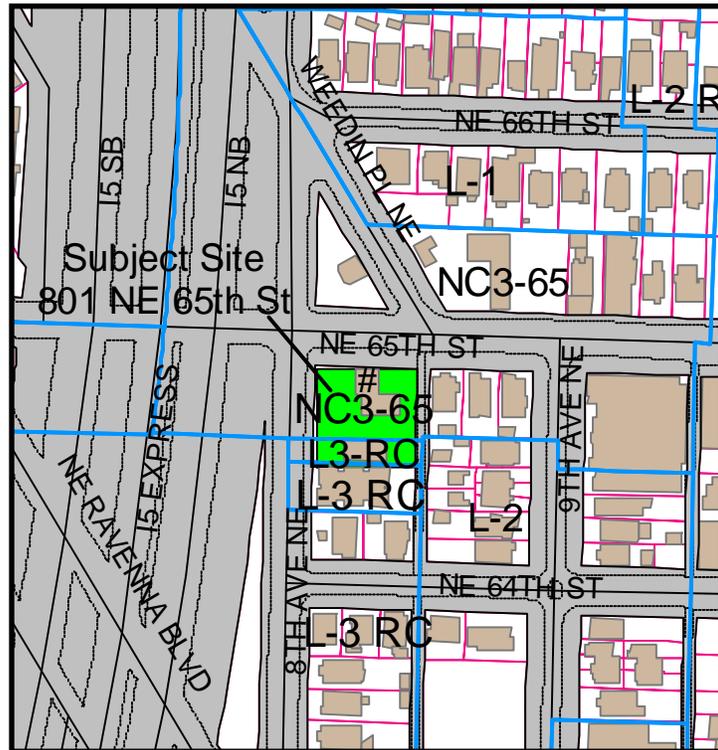
The southern parcel of the development site was the subject of a contract rezone from L3-RC zoning to NC3-40, under Master Use Permit (MUP) # 8901999. The rezone was granted, but pursuant to SMC 23.76.060-B and the fact that no Master Use Permit was subsequently issued within a two (2) year period, the contract rezone expired. As a result, the zoning then reverted back to L3-RC. This was not known to the applicants at the time of Early Design Guidance application, as a result the departures requested are altered from the applicant's original plan to fit the development vision.

The applicant proposes to demolish the existing residence on site and construct three structures. The two northern structures are proposed as two story commercial structures. The southern structure is proposed as a two story structure with the first floor being commercial and the 2nd as an apartment unit.

It should be noted that an Administrative Conditional Use permit is required for accessory commercial parking located in the L3-RC zone.

SITE SPECIFICS & AREA DEVELOPMENT

The project site is a corner lot, with approximately 120 feet of street frontage on 8th Ave NE and 127 feet of street frontage on NE 65th St. The proposal is located just west of the Roosevelt commercial corridor. The abutting site to the south and lots to the south along 8th Ave NE are also zoned L3-RC. Immediately to the east across the abutting the 16' alley is a continuation of the NC3-65 zoning. To the southeast zoning is Multifamily Lowrise Two (L2) with townhomes and single family residences. To the north, across NE 65th St, zoning is NC3-65. Directly north of the site is the Bus Stop Espresso and to the northeast is a Shell Gas Station.



Vicinity Map

Immediately west of the site is a King County Metro Park and ride lot under the I-5 raised freeway structure. Directly south of the project is an existing 20 unit apartment building, which has vehicle access from the alley. The corner of 8th Ave NE and NE 65th St is one of six “Gateway” intersections in the Roosevelt Neighborhood as noted in the Roosevelt Urban Village Design Guidelines.

DESIGN REVIEW EDG & RECOMMENDATION MEETINGS

Architect’s Presentation (EDG – 2.22.06)

The architect presented three prospective schemes for the development including massing diagrams, isometric views, site/floor plans, and elevations drawings. The applicant’s preferred massing scheme had two variations shown. The architect gave a neighborhood context with zoning existing structures and uses surrounding the site. Photos were provided in various directions to and from the site within one block of the site. Surrounding context photos from north and south were also provided showing both the commercial and residential context of the area.

The applicant’s preferred scheme proposes to remove the existing residence and construct three structures with a total of approximately 8,000 sq. ft of floor area. Two structures, which are connected by street weather protection and a proposed pedestrian walkway, are planned as commercial in the NC3-65 zone. The third structure is in the L3-RC zone and is proposed as a two-story residential commercial building with a commercial use on the ground floor and one unit above. Parking is proposed on the southeast portion of the site away from the street.

The preferred scheme has a strong commercial street presence along NE 65th St with 60' feet of commercial frontage wrapping around towards the south on 8th Ave NE. A tower element is proposed at the intersection of 8th Ave NE and NE 65th St, a few preliminary designs of the tower were shown. At the end of the wrapping commercial frontage along 8th Ave NE, a two way vehicle access is proposed. Also, vehicle access was shown from the abutting 16' alley. On the south side of the vehicle access, a small two story structure is proposed with a slightly modulated face transitioning into the more residential character to the south. The second variation of the preferred scheme showed landscaping and a trash enclosure on the southern parcel and eliminated the proposed two story structure in the L3-RC zone. Surface parking is proposed at the southeast portion of the site behind the two structures. A north/south pedestrian walkway separates the two larger northern structures and provides access to the rear parking lot. The architect did not show the type of proposed finished materials. Chamfer corners with doors were proposed on all building corners at the street.

As part of the application an Administrative Conditional Use permit is required to allow accessory commercial parking located in the L3-RC zone. This review is not in the purview of the Design Review Board, but will be analyzed in the Master Use Permit analysis and decision.

The Board deliberated after hearing the architect's presentation, the public comment and designated the priority guidelines for the site listed to the right. The detailed guidance statements and EDG report are located in the MUP File.

Designated Priority Guidelines EDG

- A-1 Responding to Site Characteristics**
(Roosevelt Neighborhood Guideline)
- A-2 Streetscape Compatibility**
(Roosevelt Neighborhood Guideline)
- A-3 Entrances Visible from the Street**
- A-8 Parking and Vehicle Access**
(Roosevelt Neighborhood Guideline)
- A-10 Corner Lots**
(Roosevelt Neighborhood Guideline)
- C-1 Architectural Context**
(Roosevelt Neighborhood Guideline)
- C-2 Architectural Context & Consistency**
(Roosevelt Neighborhood Guideline)
- C-4 Exterior Finished Materials**
(Roosevelt Neighborhood Guideline)
- D-1 Pedestrian Open Spaces and Entrances**
- D-4 Design of Parking Lots Near Sidewalks**
(Roosevelt Neighborhood Guideline)
- D-7 Pedestrian Safety**
- E-2 Landscaping to Enhance the Building and/or Site**

Architect's Presentation (Recommendation – 10.16.06)

The MUP was submitted to DPD on 6.26.06 and changes to the design were required prior to the scheduling of the Recommendation meeting. The Board was reconvened to review the applicant's response to the priority guidelines.

The architect presented the background of the project discussing the related rezone, the neighborhood context and how those issues influenced the departures requested and the design as a whole. The updated proposal is very similar to the preferred scheme described above with a few major changes. The northeast structure now has a 2nd mezzanine floor, not included in the original proposal. This allows the north two buildings to have better stepping of massing along NE 65th St. Also, the design now includes a small two story structure located in the L3-RC zone. This structure is proposed with one dwelling above a small commercial space.

The proponent addressed each guideline and related statement given by The Board during EDG. Two of the three Board members had never seen the project as turnover had occurred and the stating of the priority guidelines and statements helped them get up to speed tremendously. The detailed elements of the updated design are summarized to the right in the Design Summary.

PUBLIC COMMENT

There were approximately eight public attendees at the early design guidance meeting and six gave comments:

Recommendation Meeting Design Summary

- Slate column base (Vermont Black) kick plate at street.
- Slate base (Strata Purple w/Green Mix) kick plate at street between columns.
- Dryvit (Cream Colored) body (1st & 2nd level).
- Dryvit (Grey Colored) cornice face and vertical column.
- Metal Burgundy roof and building edge.
- Color elevations, perspective drawing and landscape plan.
- Continuous translucent weather protection with metal frame (Rich Burgundy) at the street fronts for the northern two structures.
- The same weather protection for southern structure but only over the individual street entry.
- Recessed commercial entries for NE building.
- Chamfer corners at the northwest and southwest corners of the NW structure
- Chamfer corner at the southwest corner of the SW structure.
- Pedestrian walk and access connecting the parking lot and NE 65th St between northern two structures that includes landscaping, continuous trellis structure and overhead beam mounted lighting, benches and internal facing windows.
- 2' setback and landscaped area along 8th Ave NE for the northwest structure and a 3' setback and landscaped area along 8th Ave NE for the southern structure.
- Traditional commercial storefront for both street fronts.
- Transom windows for both north structures.
- Numerous elements in the right of way: neighborhood message board kiosk, bike rack, benches, stained sidewalk concrete (Mission Brown), accentuated stained concrete for sidewalk (Turquoise) at location of column lines from building.
- Gateway signage over vehicle access from 8th Ave NE and also at pedestrian walk from NE 65th St.
- Raised corner treatment with clock tower.
- Landscaping on the south side of the north structure.
- Internal planting along pedestrian breezeway.
- Exterior signage on second floor above transoms.
- A two rhythm design with a base and cap, the weather protection is the transition for the two elements.
- Large south facing deck for southern structure.

- The preferred proposal could be tolerated and “can be lived with.” Vehicle access from 8th Ave NE is desired, vehicle access from NE 65th St would not be tolerated. (This commenter has been involved in neighborhood planning for The Roosevelt Neighborhood).
- 8th Ave NE is better for vehicle access than the alley; Too much parking is proposed and more retail should be provided
- The proposal is responsive to the Design Guidelines for Roosevelt. The tower element could be highlighted better, depending on details. The preferred scheme is reasonable. Promoted the classic retail concept of Roosevelt and the project showed a classic storefront found in the area.
- Residential should be proposed and alley is heavily used by residents to the east and south.
- Seconded that the alley is heavily used by adjacent residents.
- Residential was looked at but economic issues (construction costs) prevailed. The proposal has the “neighborhood feeling.” The guidelines were studied and used and the alley has lots of congestion not conducive to commercial needs where the alley is the only access.

There were no members of the public present other than the owners and the architects and no comments were provided.

Application for MUP was made to DPD on June 5th 2006. During the MUP comment period which ended on July 12th, 2006 no written comments were received regarding the application.

EDG, RECOMMENDATIONS AND DPD ANALYSIS: DESIGN REVIEW

At the recommendation meeting the three (3) Board recommended approval of the development and the six requested departures with recommended conditions or changes to the design. The Board determined the proposal did address many but not all design guidelines identified during the EDG and as a result the Board made recommendations to DPD.

Departures and Board Action

Requested Departure Table

Development Standard Requirement	Proposed/ Structure	Staff Notes/ Applicant’s Rationale	Board Recommendation and Associated Guidelines Achieved by Project
<p>1. Side Setback: 5’ <i>SMC 23.45.014-C</i></p>	<p>0’/ Southern Structure</p>	<p>The portion of the building in this setback is only 13’ high and the depth of the building in this area is approximately 33’</p>	<p>The Board was pleased to see this building constructed as part of the project and the fact that is a low scale structure and the 15’ x 15’ triangle setback chamfered corner from the apartment to the south The Board (3 of 3) unanimously approved the departure. (A1, A2, B1, C1)</p>

Development Standard Requirement	Proposed/ Structure	Staff Notes/ Applicant's Rationale	Board Recommendation and Associated Guidelines Achieved by Project
<p>2. Side Setback: Decks no more than eighteen (18) inches above existing or finished grade are permitted in side setbacks</p> <p><i>SMC 23.45.014-G5</i></p>	<p>Allow 298 sq ft deck with 0' setback along s. property line 13' above grade /</p> <p>Southern Structure</p>	<p>The portion of the deck in this setback is only 13' in height and the depth of the deck in this area is approximately 33'</p>	<p>The Board was pleased to see this building constructed as part of the project. The fact that is a low scale structure in height and depth and the deck serves only one unit, Board (3 of 3) unanimously approved the departure.</p> <p>(A1, A2, B1, C1)</p>
<p>3. Landscaping: (3) feet times the total length of property lines or 940.32 sq ft (or 25.4% of L3-RC portion to be landscaped)</p> <p><i>SMC 23.45.015-A1</i></p>	<p>467.3 sq ft or 12.27% of L3-RC portion of site/</p> <p>NA</p>	<p>If the same 3' times the property lines were required for the whole site, it would require only 9.72% of the total lot be landscaped.</p>	<p>Again, the Board was pleased to see this building constructed as part of the project and the fact that applying landscape behind the building wouldn't benefit the apartment owner and the design of the site is more commercial, fitting with the site design, The Board (3 of 3) unanimously approved this departure.</p> <p>(A1, A8, D7, E2)</p>
<p>4. Open Space : 25% of L3-RC portion of site required to be open space (952.5 sq ft)</p> <p><i>SMC 23.45.016-A.3.b(2)i</i></p>	<p>Provide a 298 sq ft deck for the single dwelling unit/</p> <p>Southern Structure</p>	<p>Ground level open space at the street or near a parking lot is not desirable; ample space for the resident to recreate will be provided.</p>	<p>The Board (3 of 3) unanimously approved this departure considering the context and commercial nature of the site and lack of benefit ground level open space would have for a unit in this environment.</p> <p>(A1, A10, C1, C2, C4, D7, E2)</p>
<p>5. Open Space : A maximum of 1/3rd of the open space may be provided above ground</p> <p><i>SMC 23.45.016-A.3.b(2)ii</i></p>	<p>All above ground, provide a 298 sq ft deck for the single dwelling unit/</p> <p>Southern Structure</p>	<p>Use of ground level open space near the street or near a parking lot is not desirable; the deck will provide an ample space for the resident to recreate.</p>	<p>The Board (3 of 3) unanimously approved this departure considering the context and commercial nature of the site and lack of benefit ground level open space would have for a unit in this environment.</p> <p>(A1, A10, C1, C2, C4, D7, E2)</p>
<p>6. Parking and Access: Access from an alley is required where feasible</p> <p><i>SMC 23.45.018-B1</i></p>	<p>Allow access from both street and alley for the L3-RC portion of the lot</p>	<p>Alley access is allowed from both alley and the street for the NC zoning and The Board had no issue with allowing access from both.</p>	<p>The Board (3 of 3) unanimously granted the departure considering the alley access would not hinder the residential uses to the south, a dead end parking lot would not be desirable and that the alley would be improved if access is taken from it.</p> <p>(A1, A2, A8, A10, D7, E2)</p>
<p>7. Parking and Access: Access from an alley is required</p> <p><i>SMC 23.47A..032-A.1.a</i></p>	<p>Allow access from both street and alley for the NC zoned portion of the site.</p>	<p>This wasn't required under the old Land Use Code, but under the new Code alley access is required. Considering the commercial uses, having two accesses will avoid any possible conflicts with residential users of the alley.</p>	<p>This departure wasn't known until after the recommendation meeting. The project did not vest to the old Land Use Code. During the Board's review the applicant was given the choice to provide dual access if desired, the applicant chose to use both accesses considering the nature of the commercial uses. The DPD Planner exercises Director's discretion to grant this departure in light of the recently updated Land Use Code and The Board's related comments and approval of the project overall .</p> <p>(A1, A2, A8, A10, D7, E2)</p>

Development Standard Requirement	Proposed/ Structure	Staff Notes/ Applicant's Rationale	Board Recommendation and Associated Guidelines Achieved by Project
<p>8. 13' First Floor Height Requirements:</p> <p><i>SMC 23.47A.008-B.3.b</i></p>	<p>The design will have a larger than 13' first floor for a large portion of the first floor with mezzanines that create 9' first floors below the mezzanines.</p>	<p>The larger 17' to 19' first floor for the street facing facades with mezzanines away from the street provide a great connection to the street and meet the intent of viewable active uses to passersby.</p>	<p>This departure wasn't known until after the recommendation meeting. The project did not vest to the old Land Use Code. The DPD Planner exercises Director's discretion to grant this departure in light of the recently updated Land Use Code and The Board's approval of the project overall .</p> <p>(A1, A2, A3, C1, C2)</p>

Below is a summary of the issued EDG guidelines and statements determined to be of highest priority for this project identified by letter and number (City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Buildings* and the neighborhood specific "*Roosevelt Urban Village Design Guidelines*"). Listed below the EDG guidelines and statements are the Northeast Board's recommendations based on the applicant's design response if applicable. These recommendations were transmitted to the applicant and parties of record following the recommendations meeting. The absence of any Board recommendations indicates the Board felt the design addressed the priority guidelines set during the EDG stage of the project. The applicant resubmitted the MUP plans for review to the Department on November 17th 2006 following the recommendations meeting. The Director's analysis is found below the Board's recommendations.

A. Site Planning

A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities.

&

Solar Orientation (Roosevelt specific guideline).

A-2 Streetscape Compatibility

The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

&

Commercial and Mixed-Use Developments: Contiguity of the street wall along sidewalks (Roosevelt specific guideline).

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

A-8 Parking and Vehicle Access

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

&

(Roosevelt specific guideline)

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

&

Gateways (Roosevelt specific guideline).

Early Design Guidance

- *A-1 (Roosevelt specific guideline)*

The Board stated that the site planning (commercial frontage and vehicle access) was appropriate for the site context and the board agreed the applicant's preferred design scheme was appropriate for the site. The small southern structure should be designed to fit in to the L3-RC zoning and not for future development. The southern building is a key transition to the more residential area to the south. The Board communicated to the applicant that departures would be considered to make the building work with the context.

- *A-2 (Roosevelt specific guideline)*

Site specific landscaping should be incorporated into the NE 65th St right of way to take advantage of the abnormally large curb to property distance of approximately 22'. The proponent must explore fixtures and pedestrian amenities in the right of way and work with SDOT to determine appropriate street trees for the Roosevelt area. This neighborhood specific guideline also encourages decorative paving (separate approval from Seattle Department of Transportation required). A full landscape plan must be provided to depict these elements.

- *A-3*

There are five corner commercial entries for the north two structures. Commercial entries on the northeastern building should face NE 65th St and be located in the center of each commercial space. Windows should still be used where the commercial entries were originally proposed, in order to maximize transparency and streetscape compatibility. Windows should wrap around to the alley facade, but not extend down the alley. They alley corner should hold corner rather than have the 45 degree wall.

Commercial entries including the breezeway should be designed to be clearly identifiable from the street and provide safety. The use of lighting and windows in the breezeway are ways to increase visibility and safety; the breezeway needs to be developed further. The proposed 45 degree angle wall line at the corner of NE 65th St and 8th Ave NE is appropriate and meets the neighborhood specific guidance for guideline A-2.

- *A-8 (Roosevelt specific guideline)*

The Board noted that the access proposed from 8th Ave NE in the preferred scheme was appropriate. Considering the public comment and apparent high use of the alley by local residents, the Board felt taking double access from the alley was the choice of the applicant.

Staff note

The proponent should consult the entire neighborhood specific guideline when detailing the parking lot. This guideline seems applicable for special surface treatments, art, lighting, and seating if not other applicable features found in the guideline.

- *A-10 (Roosevelt specific guideline)*

The Board had reservations about massing and detail of the proposed tower element at the intersection of 8th Ave NE and NE 65th St. Three different massing studies of this

corner and tower element were requested. The board also had concerns about what was going to be placed in the tower, i.e. signage, blank face, materials etc. The proponent should provide viable detail and option about what is going to be placed in the tower. The three tower studies must have material call outs and proposed colors.

Staff note

In addition to the standard elevations required for Master Use Permits and tower massing studies, four (4) color elevations with specific material callouts and proposed landscaping should be provided from the north, south, west and from a northwest perspective from NE 65th St should be provided. These four (4) elevations should be part of the Master Use Permit drawings.

Staff note

This neighborhood specific guideline calls for “gateway features” to enhance this prominent neighborhood intersection. Some design elements are encouraged:

- special paving;
- art;
- water features;
- landscaping;
- seating;
- kiosks, etc.

The proponent should incorporate one of these or similar elements to meet the gateway designation for the site.

Director’s Analysis

The Board had no recommendations based upon issues and felt that the design meets the priority guidelines. The Board did not exceed their authority or mis-apply the guidelines and therefore the Director approves the Design Review regarding Site Planning issues.

C. Architectural Elements and Materials

C-1 Architectural Context

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

&

(Roosevelt specific guideline)

C-2 Architectural Context & Consistency

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural context.

&

(Roosevelt specific guideline)

C-4 Exterior Finished Materials

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

&

Signs (Roosevelt specific guideline)

Early Design Guidance

- *C-1 (Roosevelt specific guideline)*

The store fronts needs to reflect the historic neighborhood detail. The floor ceilings, weather protection, transom windows and cornice line should be consistent in relation with the street grade to avoid scrunching the building east along NE 65th St. The Board felt the breezeway needed to be developed further as there were some reservations about its function, safety and feel.

Staff note

This guideline also specifies that certain architectural details are incorporated such as:

- distinct building base/kick plate
- transparency
- display windows
- recessed entries
- transom windows
- upper level windows interrupted by solid façade area
- parapet and cornice
- belt course
- change in materials

The applicant should consult the full guideline and incorporate these features into the design where applicable.

- *C-2 (Roosevelt specific guideline)*

Awnings should mirror traditional architecture. The Board suggested sturdy flat awnings made of strong material.

- *C-4 (Roosevelt specific guideline)*

The Board wanted to see sign types and locations in the MUP plans, backlit signs should be avoided. This neighborhood guideline calls for blade signs, internal neon signs, sign bands and hanging signs perpendicular to the wall. These should be shown on all elevation drawings.

Board Recommendations

- *C-2 (Roosevelt specific guideline)*

The pedestrian access signage along NE 65th St, the pedestrian breezeway structure along NE 65th, the vehicle access signage along 8th Ave NE and the tower element's roof need to be changed to a more commercial urban expression. The design of these elements should be more urban and tie together. The design of the pedestrian signage along NE 65th St should not be aligned explicitly with either adjacent roof line. The sign should either float above or below the adjacent cornice lines.

- *DPD follow-Up Director's Analysis:*

The roof of the clock tower needs to be designed to have a more appropriate scale. The hipped roof design reads very suburban. A flat roof design should be used for the clock tower to accomplish this. The tower should modulate with a cobbled cornice that juts out in steps when moving upward from the main tower walls to the top plane.

Along the same design principles, the gable designed for the weather protection at the northeast corner should be changed to have a simple raised flat portion above the main level of the weather protection for the building. The weather protection at this corner location could be raised and also rounded as shown in “alternate corner 2” of the updated packet. This would still announce the corner and entrance using a more commercial design and also complement a flat clock tower roof. The roof of the kiosk could remain in its current design or revised along the same principles at the choice of the architect.

- *C-4 (Roosevelt specific guideline)*

Lighting should be used along the building base to highlight the entries of the building at the street, especially the corner and pedestrian access along NE 65th St.

The Board wants a signage plan to be included in the proposal for the building beyond the pedestrian and vehicle access signage shown at the meeting. The designer should incorporate sign locations and spaces into the architecture of the building. Neon signs, sign bands, marquee signage are encouraged by the Roosevelt specific guidelines. Blade signs would be appropriate along NE 65th St as it the commercially oriented street.

Director’s Analysis

The MUP plans were updated appropriately, adding blade signs under the canopy and direct street facing sign bands above the canopy, all to better define each commercial use and the building’s programming. Lighting under the canopy was added and also up lighting from the canopy to the sign bands above meeting the recommendations. The two main building signs announcing the Roosevelt Gateway designation of the site have been provided as neon signs. These signs announce the pedestrian and vehicle access points of the site and provide the appropriate design touch while reflecting the form of the corner roof element.

The Department requested that the corner element and roof be redesigned to include a flat roof. After discussion and collaboration with the architect, the Department agrees that the hipped roof can be designed appropriately and with greater detail to meet the Department’s Recommendation. The roof of the tower should use larger eaves, architectural under eave brackets or similar feature and use a finial atop the roof. As a result, a condition is warranted for the Building Permit, so that DPD can review and approve the final design of the roof element and roof design. Further, the design was updated to remove the gable over the northeast corner weather protection, so the weather protection is flat as originally proposed, meeting the recommendation.

As a result of these changes, the applicant has met the Northeast Board’s recommendations. The Board did not exceed their authority or mis-apply these guidelines. The Director concurs with the Board’s Recommendation with the exception of the roof element final detail and design. As a result the Director approves the Design Review regarding the Architectural Elements and Materials for the project with a condition.

D. Pedestrian Environment

D-4 Design of Parking Lots Near Sidewalks

Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk, and minimize the visual clutter of parking lot signs and equipment.
&

(Roosevelt specific guideline)

D-7 Pedestrian Safety

Project design should consider opportunities for enhancing personal safety and security in the environment under review.

Early Design Guidance

- *D-4 (Roosevelt specific guideline)*
The Board requested two landscaping schemes for the parking lot. The proponent should provide one code compliant scheme and one alternate scheme with departures if desired. The board wanted to see a pedestrian element incorporated into the drive aisle. A visual separation of vehicle and pedestrian should be provided (Also see A-8 above).
- *D-7*
Safety was a concern relating to the parking lot and vehicle access. A specific parking lot and overall lighting plan was requested by the Board. The design should resolve pedestrian walking routes and vehicle travel lane conflicts .

Director's Analysis

The Board did not exceed their authority or mis-apply these guidelines and the Director concurs with the Board's Recommendation. As a result the Director approves the Design Review and departures for the Pedestrian Environment for the project.

E. Landscaping

E-2 Landscaping to Enhance the Building and/or Site

Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

Early Design Guidance

- *E-2*
See applicable guidance statements above A-2, A-10 and D-4 above.

Board Recommendations

E-2

The Board felt the breezeway was too cramped. Revise the trellis structure in the pedestrian access breezeway to create a less cramped space and allow better movement within the breezeway. The Board also suggested raising the height of the trellis in the breezeway to relieve the tightness of the breezeway. The Board also stated that the lighting should remain on for 24

hours a day in this breezeway for safety purposes. The benches in the breezeway should be removed and moved out to NE 65th St, this will further open up the breezeway while taking advantage of the large planter strip available along NE 65th St or the benches could be placed at another less cramped location of the architect's choosing.

Director's Analysis

The Breezeway was revised and the overhead metal trellis structure was removed, opening up the pedestrian path between the two commercial buildings on the north portion of the site, as recommended by the Board. The design now includes HID Wall Pack 24 hour lighting along the pedestrian path meeting the safety concerns and Board recommendations. The seating areas were also moved out of the breezeway as recommended by the Board.

The Board did not exceed their authority or mis-apply these guidelines and the Director concurs with their recommendation. As a result the Director approves the Design Review and departures regarding Landscaping for the project.

DECISION: DESIGN REVIEW

After analyzing the site in its context, the permit plans, the recommendation packet, the recommendations of the Northwest Design Review Board, the requested departures and the applicant's recommendation responses, the Director **conditionally approves** the Design Review of the proposal and the seven requested departures.

The updated Land Use Code codified as of January 20th 2007, did require two additional departures for the project 1) vehicle access from the street where an alley exists; 2) 13' first floor height requirement for non-residential use. These requests are also analyzed above in the departure matrix.

In this case, the Board specifically felt that it was the applicant's choice to have access from both the alley and street as originally shown, all in consideration of the nature of the commercial uses and to avoid conflicts with residential users of the alley. Regarding the first floor departure, the development provides a very strong commercial base first floor with 17' – 19' heights at the street, with mezzanines placed away from the street. This design was approved by the Board and meets the intent of the Design Guidelines. These additional departures fit within the Board's approval of the project and DPD uses its discretion to approve both additional departures. Further Board review is not required; this is within DPD's purview and discretion. See the end of this decision for Design Review conditions.

ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 23rd, 2006. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant and reviewed the project plans and any additional information in the file. As indicated in the checklist, this action may result in some adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant. A discussion of these impacts is warranted.

Short - term Impacts

Construction activities for this 10,400 sq. ft. commercial development could result in the following adverse impacts: construction dust, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project, such as the Noise Ordinance, the Street Use Ordinance and the Building Code. To minimize the impact of construction impact to the area, considering the residential nature of the area to the south and the surrounding pedestrian character, a construction management plan must be prepared for the building permit that includes street or sidewalk closures and construction staging areas. The plan must also provide a general timeline length of construction to include, grading, foundation, framing and finishing. This plan should use a combination of a written narrative and drawings to communicate how these issues are proposed to be mitigated. Conditioning is appropriate to ensure that this plan is part of the Building Permit plans. The following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The character of the area is mixed in nature with residential to the south and commercial to the north and east. As a result, the construction-related noise will have an impact on the residents to the south. The times allowed for construction per the Noise Ordinance (SMC 25.08) are found to be inadequate to mitigate the noise impacts on the residents in the neighborhood. Thus proper conditioning is warranted.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Seattle's Department of Transportation, and no further SEPA conditioning is needed.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). The grading activities associated with the initial site work could add particulates to the air that can be mitigated by simply watering down the site during these grading activities. Conditioning authority is warranted to ensure the site is wet during grading activities, which should be short-lived, to reduce the amount and affect of air borne debris on the surrounding community.

The demolition of the existing residential structure on site requires a permit from the Puget Sound Clean Air Agency (PSCAA). As a result, proper conditioning is warranted to ensure compliance with PSCAA requirements to mitigate any impacts as a result of the demolition.

Long - term Impacts

The following long-term or use-related impacts, increased demand on public services and utilities; increased light and glare; and increased energy consumption are not considered adverse, as other City Departments review the feasibility of these issues. Additional land use and parking/traffic impacts which may result in the long-term are discussed below.

Height Bulk and Scale

The SEPA Height, Bulk and Scale Policy states that “(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated.” Since the Design Review Board approved this project with conditions and there is no evidence that height bulk and scale impacts have not been mitigated, no additional mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

Earth and Water Quality

The previous use on the site, a gas station, was demolished in 2003. The three associated underground fiberglass storage tanks (USTs) were removed as part of the environmental remediation of the site. One undocumented steel UST was also removed during remediation. This remediation work was analyzed and done by Delta Environmental Consultants, Inc.

As part of the remediation, Delta removed and treated 3,297.93 tons of soil from the site (within the property lines). A total of 16,784 gallons of impacted ground water were collected and discharged to the sanitary sewer. Delta continues to monitor for light petroleum hydrocarbons (LPHs) at the site semi-annually.

The most recent readings for the nearby monitoring wells showed that LPH levels are decreased and the site is naturally attenuating. These reports are located in the project file.

Delta’s representative expressed that the site has made the necessary on site remediation necessary to adequately mitigate impacts of the petroleum tanks. If during construction further contaminated soil is found, especially if grading in the right of way occurs, Delta Environmental Consultants or equally qualified consultant should be contacted for further action as necessary. Since the construction inside the property line involves slabs on grade, minimal cuts will be required and uncovering of any contaminated soils is not likely. Although not likely, conditioning is justified to ensure that Delta Environmental Consultants or an equally qualified group is notified prior to digging at the site, so monitoring can occur as necessary. The notification to the consultant must include final amounts, location and depth of grading. Considering the previous completed remediation and the condition for notification, this SEPA policy is satisfied.

Parking

8 parking spaces are required by the Land Use Code (SMC 23.54) and 19 are proposed for the development. Analysis of the parking demand is necessary considering the context and scope of the project.

According to the Institute of Transportation Engineers (ITE) 3rd Edition (2004) for residential low/mid-rise apartment land uses, the average parking supply ratio is 1 space per dwelling unit. So the demand for the one apartment unit in building #1 is one space.

For the proposed retail use in building #2 (dry cleaner, use code 960) ITE 3rd Edition (2004) data shows to that the average peak parking demand is 1.4 spaces per 1,000 sq. ft. This data was collected in Seattle 1999 and is very appropriate to apply to the project.

A general retail space is proposed in building #3 and data specific to Seattle retail spaces, gathered by SDOT and submitted to ITE, was used. This data showed that about 1.59 spaces per 1,000 sq. ft. is an appropriate demand to use for the project.

Restaurants are proposed in each of the three buildings and data specific to Seattle restaurants, gathered by SDOT and submitted to ITE, was used. This data showed that about 3.85 spaces per 1,000 sq. ft. is an appropriate demand to use for the project.

Considering this information the parking space demand for the project is approximately 25 spaces (see chart below). Parking is permitted along the streets abutting the site, with some limitations on timing. Along NE 65th St, parking is limited to 1 hour during business hours and is not permitted at any time during rush hours from 4 to 6 pm. Along 8th Ave NE, parking is allowed in most locations but not during rush hours from 4 to 6 pm near NE 65th St. Also, with the dry cleaner and restaurant uses it is likely that the peak times would be significantly different and may only have similar peaks during the day time when on street parking is more available. Street parking in the area to the south along 8th Ave NE is available. Also, the dwelling unit and restaurant in building #3 will likely be rented or owned so the parking demand would likely cancel each other out. Another factor that will reduce parking demand is the site's location in relation to an abundance of transit routes. As a result, parking impacts from the development are not likely and no additional mitigation is required.

Parking Demand Analysis

For Urban Setting			
USE (Building)	SQ. FT.	ESTIMATED DEMAND	TOTAL DEMAND
<i>Retail Sales and Service, Dry Cleaners (#2)</i>	2,304	1.4 spaces / 1,000 sq. ft.	3.2256 (3.2) spaces
<i>General Retail (#3)</i>	2,972	1.59 spaces / 1,000 sq. ft.	4.72548 (4.7) spaces
<i>Restaurant (#1)</i>	847	3.85 spaces / 1,000 sq. ft.	3.26095 (3.3) spaces
<i>Restaurant (#2)</i>	2,235	3.85 spaces / 1,000 sq. ft.	8.60475 (8.6) spaces
<i>Restaurant (#3)</i>	1,029	3.85 spaces / 1,000 sq. ft.	3.96165 (4)
<i>One Apartment Unit (#1)</i>	526	1 space	1 space
Total			24.8

Traffic and Transportation

The surrounding area is well served by transit with 15 minute headways along NE 65th St, Ravenna Blvd and Roosevelt Way NE. The 2010 projected traffic for the intersection of NE 65th St and 8th Ave NE is expected at a level of service B, meaning it is expected to move vehicles and function well. The amount of traffic expected to be generated by this proposal is within the capacity of the streets in the immediate area and therefore, no SEPA mitigation is warranted for traffic impacts.

Regarding vehicle access to and from the site, there were some comments by citizens regarding over use of the alley. Considering the development takes its main vehicle access from 8th Ave NE and the unlikelihood that users of the site will drive south from the site through the alley, the proposed access is not likely to have an adverse impact. Because the development is accessing via the alley, improvements to the portion of the alley abutting the site will be required at construction stage. As a result, no mitigation is necessary.

Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. Meeting the conditions found at the end of this document pursuant to SEPA policies will mitigate adverse impacts identified from the development.

Additionally, existing codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (C).

ANALYSIS – ADMINISTRATIVE CONDITIONAL USE

C. Parking at or below grade accessory to nonresidential uses or live-work units in adjacent commercial zones may be permitted as a conditional use.

1. The Director may authorize such parking if:

a. The proposed parking is necessary to meet parking requirements, or the proposed parking will be used as a shared parking facility;

The proposed parking is necessary to meet parking requirements and should be efficiently used based on the demand analysis (see SEPA analysis above). The site will not be used as a shared parking facility although the parking will be shared by the five proposed businesses on site and with the apartment unit. This criterion is met.

b. The proposed parking is necessary to avoid increased parking congestion in the adjacent commercial area;

The parking is necessary to avoid spillover; although there is available street parking in the area there is timing limitations. To have a 10,400 sq. ft development with no parking would create parking congestion for the surrounding commercial area especially along 65th St and Roosevelt Way NE. This criterion is met.

c. The proposed parking is necessary to avoid creation or worsening of excessive spillover parking in adjacent residential areas;

The parking is necessary to avoid spillover although there is available street parking in the area, there is timing limitations. To have a 10,400 sq. ft development with no parking would create parking congestion for the surrounding residential area, where as now the area to the south has ample parking available. Further, the parking is necessary to avoid promoting commercial traffic down the alley southward to find street parking in the residential zone. This criterion is met.

d. Other parking options such as shared parking have been considered and found to be unavailable in the adjacent commercial zone; and

The Park and Ride west of the site is not an option as shared parking. There are no other locations in the area that would provide a realistic location to park. Sharing with The Roosevelt Medical Center parking lot south one block is not an option as its location is not conducive to commercial development. Further, parking in this location would promote parking between the site and The Roosevelt Medical Center parking lot, which would promote spillover parking the adjacent residential areas. This criterion is met.

e. The proposed parking does not encourage substantial traffic to pass through adjacent residential areas.

Considering the facts that the site abuts two arterial streets and the site is at the north end of the alley, away from the residential zones to the south, substantial traffic through the residential areas is not encouraged. The fact that the site is a split zone should be taken into account. The northern parcel is zoned commercial and the 10 parking spaces proposed there are permitted outright, this approval is for the 9 spaces in the L3-RC zone. This criterion is met.

2. If the Director authorizes a surface parking area, the following standards shall be met:

a. A minimum of fifteen (15) percent of the surface parking area shall be landscaped. Specific landscaped areas required in this subsection shall count toward the fifteen (15) percent.

17.8 % of the L3-RC zoned area is landscaped. This criterion is met.

b. A landscaped setback of at least ten (10) feet shall be provided along the front property line. A landscaped setback of at least five (5) feet in depth shall be provided along all other street property lines.

A structure is located along the street so the landscaped 10 foot setback does not apply in this case, as the parking is screened by the building. Worth noting, a small planting bed is located along the front property line of the L3-RC zone. No other portion of the L3-RC zone abuts the street. As a result, this criterion is met.

c. When abutting a property in a residential zone (including RC zones), six (6) foot high screening and a five (5) foot deep landscaped area inside the screening shall be provided.

These elements are provided along the south property line, see MUP plans. This criterion is met.

d. When across the street from a residential zone (including RC zones), three (3) foot high screening shall be provided between the parking area and the landscaped setback along all street property lines.

Not applicable to the site.

e. Whenever possible, access to parking shall be from the commercial area.

The two access points from the street and alley are predominantly from the commercial zoned portion of the property. The access was approved by Northeast Design Review Board and the DPD concurs with that recommendation. Allowing access from NE 65th St would ruin the pedestrian character along that street. The proposed access to and from 8th Ave NE is appropriate in order to remove any chance for conflicts in the alley. The second access via the alley to and from Roosevelt Way NE is also appropriate in order to get vehicles on to the arterial where they should be. As a result this criterion is met.

DECISION – ADMINISTRATIVE CONDITIONAL USE

Approved with no conditions.

CONDITIONS - DESIGN REVIEW

Non-Appealable Conditions

1. Any proposed changes to the exterior of the buildings or the site or must be submitted to DPD for review and approval by the Land Use Planner (Lucas DeHerrera, 206.615.0724) or by the Design Review Manager. Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Prior to issuance of the MUP, the applicant shall update the zoning information for sets 1 and 2 to show how the project is compliant with all provisions of the updated Land Use Code (Ordinance 122311).
3. Embed all of these conditions on the cover sheet of the MUP permit sets 1 and 2 and all Building Permit drawings prior to issuance.
4. The proposed street improvements in the rights of way (8th Ave NE and NE 65th St) must be constructed as shown on the MUP drawings and/or as approved by SDOT. In the event there is a conflict with SDOT requirements, the Land Use Planner (Lucas DeHerrera, 206.615.0724) or the Design Review Manager must be consulted prior to any final changes to the street improvement plans.

Prior to Issuance of the Building Permit

5. The Land Use Planner (Lucas DeHerrera 206.615.0724) must review and approve the final design of the clock tower roof element and roof design (see analysis above).

Prior to Certificate of Occupancy

6. Compliance with all images and text on the MUP drawings, design review meeting guidelines, approved design features and elements (including exterior materials, landscaping and ROW improvements) and as conditioned hereto in shall be verified by the DPD planner assigned to this project (Lucas DeHerrera, 206.615.0724), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

During Construction

7. All changes to the exterior facades of the building and landscaping on site and in the R.O.W. must be submitted as a revision to the building permit and reviewed by a Land Use Planner prior to proceeding with any proposed changes.

CONDITIONS - SEPA

Upon Application for the Building Permit Application

8. Include a construction management plan that includes street or sidewalk closures and construction staging areas. The plan must also provide a general timeline length of construction to include, grading, foundation, framing and finishing.

Prior to Issuance of any Demolition Permit (non-appealable)

9. The owner(s) and/or responsible party(s) shall provide documentation to DPD that Puget Sound Clear Air Agency (PSCAA) has received all information necessary to assess and mitigate likely air impacts at least 10 days in advance of the demolition of any structures on site greater than 120 sq. ft.

Prior to Grading

10. Notify Delta Environmental Consultants (project geologist) or equally qualified group prior to digging at the site, so monitoring can occur as necessary.

During Construction

The following conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

